

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804

CASE NO. 1:17-md-2804

This Document relates to:

All Cases

Hon Dan Aaron Polster

**LOUISIANA WHOLESALE DRUG COMPANY, INC.'S AMENDED SUBMISSION IN
ACCORDANCE WITH THE COURT'S JANUARY 3, 2023, ORDER REGARDING
PLAINTIFF FACT SHEETS AND SERVICE OF PROCESS**

In accordance with the Court's January 3, 2023, Order [Rec. Doc. 4801] regarding Plaintiff Fact Sheets and Service of Process, Louisiana Wholesale Drug Company, Inc. ("LWD"), by and through its undersigned counsel, respectfully submits the attached amended list¹ (**Exhibit A**) showing plaintiff-subdivisions that named LWD² in an MDL case, but the plaintiff failed to: (1) serve a Plaintiff Fact Sheet ("PFS") to the PFS Repository;³ and/or (2) did not obtain timely service of process.⁴

¹ LWD timely submitted its original list on January 30, 2023 [Rec. Doc. 4854]. After further investigation into issues pertaining to PFSs, LWD determined that an amendment needed to be made. As such, the amendment contained within Exhibit A, attached hereto, relates only to plaintiff-subdivision cases where service of a PFS no longer appears to be an issue for purposes of the list.

² LWD has been designated by the Court as a "Non-Litigating Defendant."

³ LWD's list includes those plaintiffs who failed to serve a PFS to the PFS Repository, as well as those plaintiffs who failed to timely serve their PFS to the PFS Repository "no later than Friday, October 14, 2022" in accordance with this Court's October 7, 2022, Order [Rec. Doc. 4664]. LWD found the PFS repository to be cumbersome and difficult to navigate, so it is possible that LWD did not see a PFS in one or more cases. LWD does not address the quality or completeness of a given plaintiff's PFS, including, but not limited to, those with unsigned Certifications.

⁴ LWD's list includes those plaintiffs who wholly failed to effect service, effected untimely or otherwise improper service, failed to timely seek a waiver of service, and failed to timely file an executed waiver of service on the docket.

LWD prepared the original and amended lists to the best of its knowledge after reasonable investigation. LWD reserves all rights to further supplement and/or amend its original list and/or **Exhibit A** should additional information be discovered after this submission.

LWD has not yet had an opportunity to respond to the claims against it, which are at all times specifically denied, and its original list and **Exhibit A** are submitted without any admission of liability. LWD does not concede that any plaintiff in any case listed in its filings has stated a claim against LWD upon which relief can be granted, and LWD expressly preserves any and all defenses that may be available to it.

Dated: February 13, 2023

Respectfully submitted:

ALLEN & GOOCH,
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2023, a copy of the above and foregoing was filed electronically with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ S. Brian Perry
S. BRIAN PERRY